

**CERTIFICATION PURSUANT TO DELAWARE LOCAL RULE 7.1.1**

The undersigned hereby certifies that counsel for Plaintiff Magten Asset Management Corporation, on behalf of Magten as well as Plaintiff Law Debenture Trust Company of New York, made reasonable efforts to reach agreement with counsel for the Defendants regarding the foregoing Motion to Exclude the Testimony of Charles A. Patrizia, to no avail.

Dated: January 31, 2008

Dale R. Dubé  
Dale R. Dubé (DE No. 2863)